IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1122 (S/S) of 2006

Anita Bhadula,
Wife of Sri Hari Prasad Bhadula,
Resident of Village – Gangapur, Pahadi,
(Pirumadara), Post Office – Pirumadara
District – Nainital.

…….Petitioner

V e r s u s

1. State of Uttaranchal through the Secretary, Forest, Government of Uttaranchal, Dehradun.

2. Principal Chief Conservator of Forest, Uttaranchal, Nainital.

3. Conservator of Forest, Western Circle, Uttaranchal, Nainital.

4. Divisional Forest Officer, Tarai Western Forest Division, Ramnagar, District – Nainital.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri B. D. Upadhyay, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. *Issue a writ, order or direction in the nature of Mandamus directing the respondent to provide financial aid to the petitioner in accordance with the provisions laid down in the Government order dated 01.10.2001.*

II. *Any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

III. Award cost throughout to the petitioner.

The facts as narrated in the writ petition are that the Government of Uttaranchal on 01.10.2001 has issued an order for grant of ex-gratia amount to the family of deceased of the forest employee, who have been murdered or expired because of Van Mafia or while on duty for safety of Forest. The said Government Order is annexed as Annexure no. 1 to the writ petition.

Petitioner's husband was working as Forest Guard in Tarai Western Forest Division, Ram Nagar, Nainital. During his visit in the forest he was murdered by some anti social elements.

In pursuance to the Government Order dated 01.10.2001 Principal Chief Conservator of Forest vide letter dated 18.11.2002 addressed to Secretary, Forest and Environment, Uttaranchal, recommended to matter for payment of exgratia amount of Rs. 2,50,000/- to the family of deceased Sri Hari Prasad Bhadula. In spite of Government Order dated 01.10.2001 and recommendation dated 18.11.2002 made by Principal Chief Conservator of Forest, the said payment has yet not been made to the petitioner and the matter is still pending before respondent no. 1.

Petitioner has prayed that respondent no. 1 be directed to take decision on the recommendation made by Principal Chief Conservator of Forest and also in view of the Government Order dated 01.10.2001 at the earliest, so that the purpose for which Government Order dated 01.10.2001 was issued by State Government may not be frustrated.

In the circumstances stated above, I deem it fit and proper to direct respondent no. 1 i.e. Secretary, Forest, Government of Uttaranchal, Dehradun to decide the matter of the petitioner for payment of exgratia amount after considering the Government Order 01.10.2001 and recommendation of principal Chief Conservator of Forest dated 18.11.2002 within a period of two months from the date of production of certified copy of this order.

With this direction the writ petition as well as interim relief application no. 10489 of 2006 in finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 19, 2006
SKSharma